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Subject: Changes to EPA Risk Reviews May Tighten Chemical Controls (BNA Report)

Changes to EPA Risk Reviews May Tighten Chemical Controls

By Steven Gibb

Sept. 29 — Changes the Environmental Protection Agency may make to its chemical risk reviews would strengthen protections against chemical exposures and make rules more costly for industry, former EPA and Labor Department policy officials told Bloomberg BNA.

The review changes were recommended by the National Research Council to more fully account for health problems other than cancer. The new reviews could wind up boosting the economic benefits considered by the White House Office of Management and Budget when it evaluates EPA regulatory proposals enhancing agency arguments for stricter—and costlier—chemical regulations, the sources said.

EPA science policy analysts are responding to the research council's recommendations for changing its chemical risk reviews as the agency implements the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Pub. L. No. 114-182), which amended the 1976 Toxic Substances Control Act.

Under the amended toxics law, the EPA can't consider costs when assessing chemical risks but begins to consider costs and benefits when the agency proposes regulations for controlling toxics.

Risk Advances

The panel for the 2009 research council report, “Science and Decisions: Advancing Risk Assessment,” was chaired by current EPA science adviser Thomas Burke when he was with Johns Hopkins University.

The report said that historically “assessments have been conducted differently for cancer and noncancer effects, and the methods have been criticized for not producing the most useful results. Consequently, noncancer effects have been underemphasized, especially in cost-benefit analysis. A consistent approach to risk assessment for cancer and noncancer effects is scientifically feasible and should be implemented.”

Chapter 5 in the report details the council's recommendations, urging the EPA to flesh out how noncancer health risks vary at different levels of exposure. Currently, the EPA selects a single “safe” level to characterize risks other than cancer, ignoring how risk varies as those exposure levels change. That approach doesn't convey the greater magnitude of risk for someone exposed to say 20 times the “safe” exposure level to a toxic versus someone with chemical exposures just over the safe limit.

Public Health Impact

Former EPA officials emphasized that changes to EPA risk reviews will shape the public health impact of the nation's chemical control system.

Bill Farland, former EPA research official and professor of environmental sciences at Colorado State University in Ft. Collins, said he agrees with the effort to alter EPA noncancer risk reviews. "The Toxic Substances Control Act always had and will continue to have an impact on public health. . . Improvements in the law and in risk assessment will continue to have an impact."

EPA risk reviews need to change, said Tracey Woodruff, director of the Program on Reproductive Health and the Environment at the University of California, San Francisco and a former EPA policy official. The Office of Pollution Prevention and Toxic Substances, which is implementing the amended toxics law, "has not been using the right tools to get at noncancer health risks in real populations," she said.

The right tools would describe risk at different levels of exposure—a more realistic and informative way to characterize risks. This is in contrast to the current EPA method of selecting a single "safe" level of exposure above which all are considered endangered and below which all are considered safe, she said.

Adam Finkel, a panelist on the research council's report and professor at the Philadelphia-based Penn Program on Regulation at the University of Pennsylvania Law School, echoed Woodruff's call for the EPA to move beyond using single safety numbers for a chemical's noncancer risks. Decision makers and the public deserve information about risk, rather than assurances about safety, he said. Finkel served in the Occupational Safety and Health Administration and oversaw multiple agency chemical risk assessments during his tenure.

Risk, Costs and Benefits

The single safety number approach "is like kayaking down a river and seeing a sign that says 'waterfall ahead' without telling you how far it is or how much of a drop," Finkel said. By way of contrast, EPA cancer reviews would have multiple signs along the way with that missing information, he added.

Finkel said if the EPA's current approach to noncancer health effects isn't modernized, it also will shortchange its chemical control rules by not counting the full economic benefits from preventing immunological, developmental, nervous system and other health problems. If and when EPA does adjust its risk reviews, this could lead to more health protective—and costlier—chemical regulations for industry, he added.

Risk analysts and economists said such an overhaul also would be more informative for policymakers. It could strengthen the EPA's hand when it presses for chemical control rules proposed under the amended toxics law by elevating the benefits ledger during White House reviews, Finkel said.

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